

FORM PTO-1390  
(REV 5-93)

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.  
100564-00090

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

DATE: November 30, 2001

U.S. APPL. NO. 09/980116  
(IF KNOWN, SEE 37 C.F.R. 1.5)  
Not Yet Assigned

INTERNATIONAL APPLICATION NO.  
PCT/EP00/05024

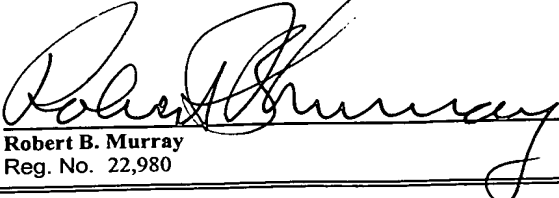
INTERNATIONAL FILING DATE  
31 May 2000

PRIORITY DATE CLAIMED  
31 May 1999, 17 June 1999, 21 July 1999

TITLE OF INVENTION: ESSENTIAL GENE AND GENE PRODUCTS FOR IDENTIFYING, DEVELOPING AND OPTIMISING IMMUNOLOGICAL AND PHARMACOLOGICAL ACTIVE INGREDIENTS FOR THE TREATMENT OF MICROBIAL INFECTIONS

APPLICANT(S) FOR DO/EO/US: Heiko APFEL, Thilo M. FUCHS, Carol P. GIBBS, Christoph J. HUECK, Thomas F. MEYER

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.  
(THE BASIC FILING FEE IS ATTACHED)
  2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
  3. ☒ This express request to begin national examination procedures [35 U.S.C. 371(f)] at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
  4. ☐ A proper demand for International Preliminary Amendment was made by the 19th month from the earliest claimed priority date.
  5. ☒ A copy of the International Application as filed [35 U.S.C. 371(c)(2)]
    - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
    - b. ☐ has been transmitted by the International Bureau.
    - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
  6. ☐ A translation of the International Application into English [35 U.S.C. 371(c)(2)].
  7. ☒ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]
    - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
    - b. ☐ have been transmitted by the International Bureau.
    - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
    - d. ☒ have not been made and will not be made.
  8. ☐ A translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].
  9. ☒ An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].
  10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].
- Items 11 - 16 below concern other document(s) or information included:
11. ☒ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
  12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.26 and 3.31 is included.
  13. ☒ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
  14. ☐ A substitute specification.
  15. ☐ A change of power of attorney and/or address letter.
  16. ☒ Other items or information: ☒ PCT/RO/101 (in German); PCT/IB/306; PCT/ISA/206; 118 pages of Sequence Listing Drawings (82 sheets)

U.S. APPLICATION NO. (IF KNOWN) SEE 37 C.F.R. 1.50 Not Yet Assigned <b>09/980116</b>		INTERNATIONAL APPLICATION NO. PCT/EP00/05024		ATTORNEY DOCKET NO. 100564-00090 DATE: November 30, 2001	
17. <input checked="" type="checkbox"/> The following fees are submitted: <b>Basic National F [37 C.F.R. 1.492(a)(1)-(5)]:</b> Search Report has been prepared by the EPO or JPO.....\$890.00 International preliminary examination fee paid to USPTO (37 C.F.R. 1.482).....\$710.00 No international preliminary examination fee paid to USPTO (37 C.F.R. 1.482) but international search fee paid to USPTO [37 C.F.R. 1.445(a)(2)].....\$740.00 Neither international preliminary examination fee (37 C.F.R. 1.482) or international search fee [37 C.F.R. 1.445(a)(2)] paid to USPTO.....\$1,040.00 International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4).....\$ 100.00				CALCULATIONS   PTO USE ONLY	
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				\$890.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date [37 C.F.R. 1.492(e)].				\$ 0.00	
Claims	Number Filed	Number Extra	Rate		
Total Claims	58 - 20 =	38	X \$ 18.00	\$ 684.00	
Independent Claims	3 - 3 =	0	X \$ 84.00	\$ 0.00	
Multiple dependent claim(s) (if applicable)			+ \$280.00	\$ 280.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1,854.00	
Reduction by one-half for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 C.F.R. 1.9, 1.27, 1.28).				\$ 927.00	
<b>SUBTOTAL =</b>				\$ 927.00	
Processing fee of \$130.00 for furnishing the English translation later the <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date [37 C.F.R. 1.492(f)].				\$ 0.00	
<b>TOTAL NATIONAL FEE =</b>				\$ 927.00	
Fee for recording the enclosed assignment [37 C.F.R. 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property				\$ 40.00	
<b>TOTAL FEES ENCLOSED =</b>				\$ 967.00	
				Amount to be refunded	\$
				Charged	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$967.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. 01-2300 in the amount of \$ to cover the above fee. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 01-2300.					
NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive [37 C.F.R. 1.137(a) or (b)] must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: Arent Fox Kintner Plotkin & Kahn 1050 Connecticut Avenue, N.W. Suit 400 Washington, D.C. 20036-5339 T I: (202) 857-6000 Fax: (202) 638-4810 RBM/aam					
 Robert B. Murray Reg. No. 22,980					